



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MS-LC340
MINNEAPOLIS, MN 55432-5604

COPY MAILED

OCT 07 2004

In re Application of
Cornelius Borst et al
Application No. 09/678,203
Filed: October 2, 2000
Attorney Docket No. P-3875.09

: OFFICE OF PETITIONS
:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 23, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed nonprovisional applications.

The petition is **DISMISSED** as moot.

The instant application was filed on October 2, 2000. A petition under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. See MPEP Section 201.11 and 65 FR 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,330.00 petition fee submitted is unnecessary and will be credited to petitioner's deposit account in due course.

Any inquiries concerning this decision may be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center Art Unit 3736 for processing the amendment filed August 23, 2004.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy